

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KENNETH MCDAVID,)
)
 Plaintiff,)
)
 v.) No. 1:20-cv-01942-JPH-TAB
)
 STACY SCOTT, et al.)
)
 Defendants.)

ORDER DIRECTING DISMISSAL OF ACTION

The plaintiff brings this civil rights action against numerous defendants. The plaintiff did not prepay the \$400.00 filing fee for this action which Congress has prescribed in 28 U.S.C. § 1914(a). Instead, he requests leave to proceed *in forma pauperis*. Dkt. 2.

As the plaintiff has been informed by this Court, he has “struck out” under 28 U.S.C. § 1915. *See McDavid v. Henry Co. Sheriff’s Dep’t*, No. 1:15-cv-001086-TWP-TAB, dkt. 9.¹ This renders the plaintiff ineligible to proceed *in forma pauperis*. The plaintiff did not, however, notify the Court in his motion for leave to proceed *in forma pauperis* that he had struck out. This failure leads to the immediate termination of this action. *See Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999) (“An effort to bamboozle the court by seeking permission to proceed *in forma pauperis* after a federal judge has held that §1915(g) applies to a particular litigant will lead to immediate termination of the suit.”).

¹ The three cases identified as strikes in that case are: *McDavid v. Buss*, 1:08-cv-1613-DFH-DML (S.D. Ind. May 26, 2009) (dismissed for failure to state a claim under 28 U.S.C. § 1915A); *McDavid v. Baker*, 2:14-cv-0264-JMS-WGH (S.D. Ind. Oct. 30, 2014)(dismissed for failure to state a claim under § 1915A); and *McDavid v. Corizon, Inc.*, 2:14-cv-0272-JMS-WGH (S.D. Ind. Dec. 10, 2014)(dismissed for failure to state a claim under § 1915A).

Accordingly, the plaintiff's motion to proceed *in forma pauperis*, dkt. [2], is **denied** and this action is **dismissed** without prejudice. Judgment consistent with this Order shall now issue.

SO ORDERED.

Date: 8/7/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

KENNETH MCDAVID
943202
NEW CASTLE - CF
NEW CASTLE CORRECTIONAL FACILITY - Inmate Mail/Parcels
1000 Van Nuys Road
NEW CASTLE, IN 47362